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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TEST.CAS. 39/2017 & I.A. 8949/2019**

**MR.INDERJIT SINGH BHUSRI** ..... Petitioner

Represented by: Mr. Kishore M. Gajaria, Mr. Aayush  
Paranjpe, Advs.

versus

**STATE & ORS** ..... Respondent

Represented by: Mr. Mayank Bamniyal, Ms. mallika  
Ahluwalia, Adv. for R-1.  
Mr. Gaurav Puri, Mr. Sarthak, Mr.  
Hardeep, Ms. Zoya, Advs. for R-2.  
Mr. Aman Shukla, Adv. for R-3&4.  
Mr. Ashish Kapur, Adv. for R-6.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

% **26.11.2019**

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1. Pleadings are complete. Admission/ denial of documents has taken place.
2. On perusal of record and with consent of the parties, the following issues are settled:

- “i) Whether Will dated 16.01.2017, left behind by late Shri Sampuran Singh Bhusri is a validly executed last Will of the deceased? (OPP)*
- ii) Whether late Shri Sampuran Singh Bhusri, had the right to make the Will more particularly in view of the family settlement dated 25.02.1985, titled as “ad-memoir”? (OPD-3,4&6)*
- iii) Whether the family settlement award dated 19.12.1995 has any bearing on the Will dated 16.01.2017 for which the probate is being sought? (OPD-3,4&6)*

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iv) *Relief.*”

3. With consent of learned counsel for the parties, respondent No.2 who is the wife of testator and aged 96 years is required to be examined in the first instance.
4. Affidavit by way of evidence of respondent No.2 has already been filed.
5. List before the learned Joint Registrar on 4<sup>th</sup> December, 2019 at 2.00 PM for tendering the evidence and for cross-examination of respondent No.2. The learned Joint Registrar will ensure that the examination and cross-examination of respondent No.2, if any, is carried out on day-to-day basis giving priority to her examination.
6. After the cross-examination of respondent No.2 is over, parties will file their respective list of witnesses and affidavits within four weeks and the learned Joint Registrar will fix further date for examination of the remaining evidence.
7. Awaiting the conclusion of recording of the evidence, list the matter before Court on 21<sup>st</sup> April, 2020.

I.A. 14719/2018 (u/S. 151 CPC by R-6)

1. By this application defendant No.6 objects to the filing of the additional documents which are in the form of e-mails before this Court.
2. Vide order dated 19<sup>th</sup> March, 2018 parties were directed to produce original documents in their power and possession if not filed earlier and the date for admission/ denial was fixed and vide order dated 26<sup>th</sup> July, 2018 the documents filed along with the affidavit under Section 65B of the Indian Evidence Act were accepted.

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3. The present application was filed subsequently objecting to the filing of the fresh documents.

4. Considering the fact that issues in the testamentary case have been settled today and the said documents were filed before admission/ denial was conducted, this Court finds no merit in the application and the same is dismissed.

**MUKTA GUPTA, J.**

**NOVEMBER 26, 2019**  
**‘ga’**

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